

APPROVED: Meeting No. 1-88

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 46-87

December 21, 1987

The Mayor and Council of Rockville, Maryland convened in Executive Session in the City Manager's Conference Room at Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, December 21, 1987, at 6:10 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman James Coyle  
(Arrived at 6:15 p.m.)

Councilwoman Viola Hovsepian

Councilman David Robbins  
(Left at 6:40 p.m.)

ABSENT

Councilman Steve Abrams

The Mayor in the Chair.

In attendance: Acting City Manager Rick Kuckkahn, City Attorney Paul Glasgow, and City Clerk Helen M. Heneghan.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed by those present, the meeting was closed for Executive Session to discuss personnel and for consultation with legal counsel.

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 7:30 p.m. to convene again in General Session later this evening.

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December 21, 1987

The Mayor and Council of Rockville, Maryland convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday December 21, 1987, at 8:05 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman James Coyle

Councilwoman Viola Hovsepian

Councilman David Robbins

ABSENT

Councilman Steve Abrams

The Mayor in the Chair.

In attendance: Acting City Manager Rick Kuckkahn, City Attorney Paul Glasgow and City Clerk Helen M. Heneghan.

Re: City Manager's Report

Acting City Manager Rick Kuckkahn reported the following:

1. This past Saturday, the staff solicited the Mayor and Council's view of Budget issues. He reminded the public that city staff is open to their concerns and suggestions. The Budget and CIP is in its early stages. Staff encourages public participation in the process.

2. Since the next Council meeting is January 11, 1988, it should be announced that the City of Rockville's Human Rights Forum on Hate and Violence will be held on Wednesday, January 13, 1988. The public forum will begin at 7:30 p.m. at the Rockville Senior Center.

3. The City of Rockville's Martin Luther King, Jr. Birthday Program, will be held on Monday, January 18, 1988 in the Atrium at City Hall, at 12 noon. The theme for this year's program will be "Living the Dream".

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Re: Presentations

The Mayor and Council honored former Mayor Steven Van Grack by presenting him with a gavel plaque, a mural of the City, and the Mayor and Council cup, a pewter cup engraved with the City seal. This is the first such cup to be presented by the Mayor and Council. Mayor Van Grack was thanked for his service to the City and its citizens.

The Mayor and Council presented former Councilman Peter Hartogensis with a plaque and the Mayor and Council cup and thanked him for his service to the City and its citizens from 1984 to 1987.

Re: Approval of Minutes

On motion of Councilman Coyle, duly seconded and passed by unanimous vote of all present, the minutes of Meeting No. 43-87, November 30, 1987, were approved as corrected.

On motion of Councilwoman Hovsepien, duly seconded and passed by unanimous vote of all present, the minutes of Meeting No. 44-87, December 7, 1987, were approved as written.

On motion of Councilman Coyle, duly seconded and passed by unanimous vote of all present, the minutes of Meeting No. 45-87, December 8, 1987, were approved as written.

Re: Appointments

Mayor Duncan proposed the following appointments. They were confirmed by the Council.

Animal Control Board - Lucinda Denton, re-appoint as alternate, 3 year term  
603 Smallwood Road

Board of Appeals - James Moone, re-appoint, 3 year term  
1204 Potomac Valley Road

Historic District Commission - Sue Collett-Velasquez, re-appoint, 3 year term  
13116 Ardennes Avenue

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Housing Authority - Michael Gewirtz, re-appoint, 5 year term to August 1992  
1520 Columbia Avenue

Recreation and Park Advisory Board - Charles Carroccio, re-appoint, 2 year  
602 Smallwood Road

Terry Harris, re-appoint, 2 year  
108 North Adams Street

Traffic and Transportation Commission - Brian McCollum, Chairman, 1 year term  
703 Monroe Street, #301

Economic Development Council - Ray Whalen, re-appoint, 2 year term

Robert Bender, re-appoint, 2 year term

Public Education Advisory Committee - Charles Haughey, re-appoint, 2 year term  
1000 Aster Boulevard

Re: Citizens Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Reverend Mansfield Kaseman, 704 Carter Road, expressed his best wishes to the Mayor and Council and the City staff in this season of Hanukkah and Christmas. He said that he hoped in the next year the Mayor and Council will be able to spend more time with their families. Reverend Kaseman presented hollyberry candles as gifts to symbolize the advantage of lighting a candle rather than cursing the darkness.

Re: Approval of on-site SWM Waiver  
request #9-88, 200 Block of N.  
Adams Street, U-241-82

This 2 acre parcel is located on the northwest corner of North Adams Street and Beall Avenue. The site consisted of duplex houses which were converted to offices by the owners/developers Wilcoxon and Hartman. The conversion of the buildings and addition of a parking lot resulted in 1.39 acres of impervious area which would be subject to SWM requirements.

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Staff recommends that a waiver be granted and that a contribution of \$7,500 (0.625 impervious acres at \$12,000 per acre; which is the contribution rate in effect at the time the on-site SWM facility was determined to be inadequate) be accepted for the City off-site SWM program.

On motion of Councilman Coyle, duly seconded and unanimously passed by all present, the Mayor and Council approved on-site SWM Waiver Request #9-88 for offices and parking, 200 Block of N. Adams Street and accepted a contribution of \$7,500 for the City off-site SWM program.

Re: Approval of on-site SWM Waiver  
request #10-88, 14225 Glen Mill  
Road

This 2.0 acre parcel is located on the southwest corner of Glen Mill Road and Ritchie Parkway. The site is currently improved by a church building and parking lot. The owner/developer of the property, Rockville Assembly of God, proposed to expand the existing parking lot. The proposed expansion will result in 0.17 acres of new impervious area.

Staff recommends that a waiver be granted and that a contribution of \$3,400 (0.17 impervious acres at \$20,000 per acre) be accepted for the City off-site SWM program.

On motion of Councilman Coyle, duly seconded and passed by unanimous vote of all present, the Mayor and Council approved SWM Waiver #10-88, 14225 Glen Mill Road, and accepted a contribution of \$3,400 for the City off-site SWM program.

Re: Award of Contract: Bid #39-88  
for 3 small mini-vans

The purpose of this bid is (1) to provide a two passenger van for use by the stockroom personnel and (2) to provide five passenger vans for the Traffic Engineer and the Graphics personnel.

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The Stockroom personnel are currently using a mini pickup with an open body that is scheduled for replacement. The van type vehicle will provide enclosed cargo space for transporting supplies and materials.

The Graphics personnel are currently using a regular size van and the replacement vehicle is a mini van and will be shared with the cable T.V. crew and others on request.

There were 45 proposals sent out and 6 bids were received.

<u>Vendor</u>	<u>Model</u>	<u>5 Pass Van (2)</u>	<u>2 Pass Van (1)</u>	<u>Total</u>
1. Criswell Chevrolet Inc. 503 Quince Orchard Road Gaithersburg, MD 20878	Astrovan	\$11,463.52	\$10,792.94	
2. Fox Chevrolet Inc. 6633 Security Blvd. Baltimore, MD 21201	Astrovan	\$11,588.00	\$11,049.00	
3. Lanham Ford Inc. 9020 Landham-Severn Rd. Lanham, MD 20706	Aerostar	\$11,595.00	\$11,145.00	
4. Hill and Sanders Ford 11250 Veirs Mill Rd. Wheaton, MD 20902	Aerostar	\$11,708.40	\$11,043.40	
5. Seidel Chevrolet Inc. 7610 Central Avenue Landover, MD 20786	Astrovan	\$11,994.00	\$11,374.00	
6. Sunderland Chevrolet Inc. 114 Baughman's Lane Frederick, MD 21701	Astrovan	\$12,107.23	\$12,107.73	

BUDGET ESTIMATE: \$31,800.00

There is sufficient funds in the Vehicle Replacement Fund for the shortfall of \$1,920.00. Staff recommends an award of contract to Criswell Chevrolet Inc. for supplying 2 five passenger mini vans and 1 two passenger mini van for the accumulated bid price of \$33,719.98.

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On motion of Councilman Coyle, duly seconded and unanimously passed by those present, award of bid #39-88, for 3 small mini vans was awarded to Chriswell Chevrolet Inc. in the amount of \$33,719.98.

Re: Award of Contract: Bid #41-88  
2 refuse trucks

The purpose of this bid is for the replacement of two 20 cu. yd. refuse trucks in accordance with the approved Vehicle Replacement Schedule for FY88.

This bid was structured to enable a vender to bid on the complete vehicle (chassis and body) or separate bids on the chassis or body only.

There were 45 proposals sent out and 4 bids were received.

Bids were not submitted on the complete vehicle. The tabulation for the remaining bids will first be for providing the chassis (2) only and the second for the body (2) only.

<u>Vendor</u>	<u>Model</u>	<u>Chassis Only (2)</u>	<u>Total</u>
1. District International Trucks 5000 Tuxedo Rd. Tuxedo, MD 20781	S1900	\$32,035.00	\$64,070.00
2. Beltway Ford Truck Sales 8300 Adwick-Ardmore Rd. Landover, MD 20785	LN-8000	\$32,510.00	\$65,020.00
3. Beltway Ford Truck Sales 8300 Ardwick-Ardmore Rd. Landover, MD 20785	LN-8000	\$33,189.00	\$66,378.00

<u>Vendor</u>	<u>Model</u>	<u>Body Only (2)</u>	<u>Total</u>
1. Waddle Truck Equipment Inc.	Pak-Mor	\$15,950.00	\$31,900.00

BUDGET ESTIMATE: \$106,000.00

A similar purchase of two refuse trucks in FY 87 from Chesapeake Ford Truck Sales (chassis) and Waddle Truck Equipment Inc. (body) totalled \$93,626 or 2.5% less than the total (\$95,920.00) for two refuse trucks under this bid.

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Staff recommends an award of contract as follows:

To: District International Trucks for supplying two truck chassis in the amount of \$64,070.00 and

To: Waddle Truck Equipment Inc. for supplying two refuse bodies in the amount of \$31,900.00

On motion of Councilman Coyle, duly seconded passed by unanimous vote of those prepresent, Award of Bid #41-88, for 2 refuse truck was awarded to District International Trucks for two truck chassis in the amount of \$64,070.00 and to Waddle Truck Equipment Inc. for two refuse bodies in the amount of \$31,900.00.

Re: Award of Contract: Bid #37-88  
Hydraulic Powered Tools for  
Service Vehicles

The purpose of this bid is for equipping three service trucks (#371, #372, and #374) that are being replaced in accordance with the Approved Vehicle Replacement Schedule for FY 88 with upgraded tools. The upgrading consists of eliminating air powered tools and air compressors and using hydraulic tools operated with a PTO from the vehicle.

This bid was structured to enable a vendor to bid on a complete package of any brand name tools. There were 34 proposals sent out and we received two bids.

<u>Vendor</u>	<u>Total Bid</u>
1. Baker Equipment Engineering Co. P.O. Box 25609 Richmond, VA 23260	\$54,496.00
2. Owsley & Sons, Inc. Drawer L Fort Mill, SC 29715	\$55,330.00

AMOUNT BUDGETED: \$60,000.00



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Staff recommends an award of contract to the low bidder, Baker Equipment Engineering Company for the amount of \$54,496.00

On motion of Councilman Coyle, duly seconded and passed by unanimous vote of those present, Award of Bid #37-88 for hydraulic tools for service vehicles was awarded to Baker Equipment Engineering Company in the amount of \$54,496.00.

Re: Introduction of Resolution of the Mayor and Council pursuant to Article XI-E of the Constitution of Maryland, Section 13 of Article 23A of the Annotated Code of Maryland, and the Charter of the City of Rockville, as amended, to amend Section 4 of Article III of the Charter so as to change the terms of office of Mayor and Council to four year terms and to provide for the staggering of such terms.

On motion of Councilman Coyle, there was introduced upon the table a resolution of the Mayor and Council pursuant to Article XI-E of the Constitution of Maryland, Section 13 of Article 23A of the Annotated Code of Maryland, and the Charter of the City of Rockville, as amended, to amend Section 4 of Article III of the Charter so as to change the terms of office of Mayor and Council to four year terms and to provide for the staggering of such terms.

Re: Introduction of Resolution of the Mayor and Council pursuant to Article XI-E of the Constitution of Maryland, Section 13 of Article 23A of the Annotated Code of Maryland, and the Charter of the City of Rockville, as amended, to amend Section 1 of Article II of the Charter so as to provide that councilmembers shall be elected as provided in Article III, Section 4 of the Charter.

On motion of Councilman Coyle, there was introduced upon the table a Resolution of the Mayor and Council pursuant to Article XI-E of the Constitution of Maryland, Section 13 of Article 23A of the Annotated Code of Maryland, and the Charter of the City of Rockville, as amended, to amend

Section 1 of Article II of the Charter so as to provide that councilmembers shall be elected as provided in Article III, Section 4 of the Charter.

Re: Approval of Retirement Items:  
Cost of living adjustment for  
retirees and Amendment to  
retirement plan - portability  
for police personnel.

On November 23, 1987, the Retirement and Disability Board unanimously voted to recommend that Mayor and Council adopt an amendment to the Pension Plan, which provides for police portability.

The current plan provides a withdrawal benefit for a terminating police employee with less than 10 years service. This benefit is a lump sum payment equal to the employee's accumulated contributions with interest. The proposed improvement would increase the amount of the lump sum benefit for those police employees terminating with 5 or more years of service.

What this Plan Amendment does is to give all three City employee groups the same portability feature. A.A.M.E. and A.F.S.C.M.E. already receive this benefit.

On December 11, 1987, the Acting City Manager and the Acting Personnel Officer met with representatives of the Fraternal Order of Police governing board. As a result of those discussions, it was felt that the City should incur the additional cost to provide this benefit. It was also felt that the rate of interest earned should be 6% - the same rate as the other City employees receive.

On motion of Councilman Coyle, duly seconded and passed by unanimous vote of those present, the Mayor and Council approved a cost of living adjustment for retirees and the amendment to retirement plan - portability for police personnel.

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Re: Decision and Instructions to staff on Annexation Petition, X-102-87, requesting that the Mayor and Council expand the corporate boundaries of the City by adding 3.04155 acres of land along the north side of I-270, between Montrose Road and the New Mark Commons subdivision and placement in the O-3, Restricted Office Zone.

On motion of Councilman Coyle, duly seconded and passed by unanimous vote of those present, the staff was instructed to prepare the necessary legal documentation to grant Annexation Petition X-102-87 in the O-3 Zone.

Re: Decision and Instructions to staff on Map Amendment Application, M-50-87, requesting that the Mayor and Council approve a change in the zoning of 19.770 square feet of land located between Veirs Mill Road and McAuliffe Drive from the present R-60 (Residential) to C-2 (Commercial) Zone.

Re: Decision and Instructions to staff on Text Amendment Application, T-85-87, requesting that the text of the Zoning Ordinance be amended by adding a new subsection to alter the parking regulations for supermarkets or grocery stores that contain at least 30,000 square feet of gross leasable area.

Mayor Duncan announced that these items would be postponed for a future agenda.

Re: Preliminary Review and Referral of Text Amendment Application, T-86-87, Rockville United Church, Applicant.

(Councilman Coyle abstained on this item since he is a member of that church.)

The subject text amendment has been prepared and filed for the purpose of allowing a "memorial garden" as an accessory use to a religious institution. As filed, this is proposed to be accomplished by the addition of a definition of the use to the Section 1-103. A similar regulation is now contained in the Montgomery County Zoning Ordinance, and it would be reasonable to consider in

On motion of Councilman Robbins, duly seconded and unanimously passed by all those present and voting (Councilman Coyle abstaining), Text Amendment Application, T-86-87, was referred to the Planning Commission for further review.

Re: Decision on Copyright Ownership  
Art in Public Places

During contract negotiations with the three artists selected for the Art in Public Places Program's FY87 projects, the issue of ownership of the copyright has arisen. In past projects such as the William Woodward mural in City Hall, the City has retained the copyright, although the City has agreed to split any receipts on sales of reproductions. Apparently this has been the standard policy among cities with similar art programs until the last few years. The Cultural Arts Commission discussed this issue at their last two meetings (November and December) and voted unanimously to recommend to the Mayor and Council that the City establish a policy of allowing the artist to retain the copyright in public art projects.

Staff concurs with the Cultural Arts Commission's recommendation to include language in future contracts for Art in Public Places commissions which will allow the artist to retain the copyright.

On motion of Councilwoman Hovsepien, duly seconded and passed by unanimous vote of those present, the Mayor and Council concurred with the Cultural Arts Commission's recommendation to allow artists to retain the copyright to works of art.

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Re: Introduction of Ordinance to  
Repeal Chapter 19 of the Laws of  
Rockville, entitled Noise  
Control.

On motion of Councilman Coyle, there was introduced upon the table an Ordinance to Repeal Chapter 19 of the Laws of Rockville, entitled Noise Control. The City Attorney explained this allowed the City to comply with Montgomery County legislation and that more information would be available when the ordinance comes forward for adoption.

Re: Decision on voluntary  
contribution to Maryland  
Municipal League building fund.

Maryland Municipal League's Board of Directors held a special meeting on December 5 and unanimously adopted a funding plan for the League's new building at 1212 West Street in Annapolis. To help fund the renovation of a new building, MML is asking each member municipality for a voluntary donation of 30% of their MML membership dues. For the City of Rockville this would be \$4,527.00.

On motion of Councilman Robbins, duly seconded and passed by unanimous vote of all present, the Mayor and Council agreed to contribute the \$4,527.00, as requested, subject to more information being given as to precedents for this particular action.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Washington Field Hockey Association, re use of fields.

Councilwoman Hovsepien asked that this be referred to the staff and information be sent back to the Mayor and Council.

2. Kirby Smith, re snow removal.

Mayor Duncan asked that a response be drafted by the staff.

3. Potomac High Lands Citizens Association, re subdivision on X-101-87.

Councilman Coyle asked that this letter be referred to the Planning Commission.

4. D. J. Brancato, re animal problem.

Mayor Duncan asked this be sent to the Animal Control Board.

5. U.S. Conference of Mayors, re dues payment.

The Mayor and Council have no objection to this payment being made.

5. Memo from City Clerk re Work Session Schedule.

Councilwoman Hovsepian addressed the Work Session Schedule prepared by the City Clerk and the Mayor and Council made changes.

Re: Information Items

1. The Planning Department and Community Development Department through a Chamber of Commerce mailing, will distribute a business questionnaire. This questionnaire is being developed to parallel a small business seminar being sponsored by the City in February.

Mayor Duncan asked when the seminar for small business is being held and staff responded that they will get back with a date.

2. The County is in the process of determining how best to count both built and planned development in the Cities of Gaithersburg and Rockville. In an effort to offer the City's point of view on this issue, Mayor Duncan has suggested that we forward a letter to the involved jurisdictions and agencies within those jurisdictions expressing Rockville's point of view.

Mayor Duncan will work with the staff to draft the letter.

Re: New Business

1. Councilman Coyle asked for additional information on the daycare, and that this time it include both family and youth considerations.

Mayor Duncan cautioned that if the subject is made too broad, the focus could be lost. The task force's charge should be daycare. Councilman Coyle suggested that the staff take a broad look so that the whole picture can be studied.

2. Councilman Coyle asked for additional information from the staff on a coupon book that the Mayor and Council asked be offered to the people who park in the Middle Lane parking lot.

3. Councilman Coyle said a parking problem exists in the Town Center and there may be a necessity for a municipal lot. The Mayor suggested that when a work session is held on the Town Center, the City can look at the parking strategy.

4. Mayor Duncan said the Rockville Kwanis Club donated a charity tree to the City that was used for the tree lighting ceremony. He asked that they be brought into the Mayor and Council for formal recognition.

5. Mayor Duncan suggested that the staff look into extending the working hours at City Hall until at least 7:00 p.m. at least one night and possibly Saturday mornings. He asked this be brought up at budget time for discussion and staff recommendation.

Councilman Robbins asked that staff include any public interest or demand for such a service.

6. Mayor Duncan asked that the Council consider extending the term of the City Clerk.

On motion of Councilman Coyle, duly seconded and unanimously passed by those present, the appointment of the City Clerk was extended until a new City Clerk is ready to assume the position.

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Re: Adjournment

There being no further business to come before the Mayor and Council in General Session, the meeting was adjourned at 9:00 p.m. to convene again in General Session on Monday, January 11, 1988, at 8:00 p.m. or at the call of the Mayor.